

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Issue:	Yucca Mountain Nuclear Waste Repository	Back-up:
Petitioner:	Barbara Ginoulas, Comprehensive Planning	Clerk Ref. #
Recommendation: That the Board of County Commissioners receive a status report from staff on the Yucca Mountain Project; approve, adopt, and authorize the Chairman to sign an updated resolution affirming opposition to the repository and transportation to it, and designate the month of June 2008 as "Yucca Mountain Awareness Month;" consider alternatives for participation in repository and transportation proceedings; and direct staff accordingly.		

FISCAL IMPACT:

None

BACKGROUND:

Since 2002 when the Secretary of Energy, the President of the United States and the U.S. Congress approved the Yucca Mountain Project to go forward to a licensing proceeding, the U.S. Department of Energy (DOE) has been focused on completing the requirements of the license application and submitting it to the U.S. Nuclear Regulatory Commission (NRC) as required under the Nuclear Waste Policy Act (NWPA). The application is scheduled to be submitted the first week in June 2008, which commences a review period by the NRC staff to determine whether the application meets the docketing criteria for further review and consideration by the Atomic Safety Licensing Board and the NRC Board. The statutory timeframe for this review is 90 days. Within 30 days after the NRC issues a notice of hearing (typically issued within 30 to 45 days of the completed application review), potential parties to the proceeding must file a petition to become either an intervener or an interested governmental participant, and state at least one contention to the application. Participation in the licensing proceeding is the most critical activity to be undertaken by the affected units of government, which include Clark County. Clark County's opposition to the repository has been steadfast, and the two decades worth of scientific, technical, and socioeconomic study that has taken place within Clark County's oversight program has well prepared Clark County to provide meaningful input and challenge within the context of the licensing proceeding. Citizens of Clark County support the Board's position, as demonstrated by county-sponsored community surveys which consistently indicate 75% of the respondents oppose the Yucca Mountain Project.

In a related proceeding, the DOE has filed a petition with the U.S. Surface Transportation Board (STB) seeking common carrier status for its operation of the proposed Caliente Rail line to provide access to Yucca

Cleared for Agenda

6/3/08 *BY*

Agenda Item #

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Mountain under the "mostly rail" scenario outlined in its Environmental Impact Study for the rail corridor. Clark County's notice of intent to participate in this proceeding was filed in May 2008, as required under STB regulations. Further document filings will be required in July 2008 to state the county's position and challenges to the DOE's petition. Decisions the STB renders regarding the DOE's petition will directly impact Clark County.

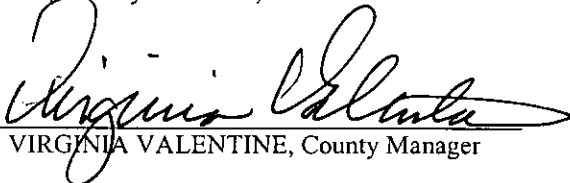
In light of these significant milestones and proceedings taking place over the next several years, it will be important for the Board to re-affirm its opposition to the repository and transportation to the repository through Clark County, and to grant delegated authority to the Clark County District Attorney's Office and the Nuclear Waste Division within the Department of Comprehensive Planning to participate in the NRC and STB proceedings as appropriate. It is important for the Board to also recognize the limited resources available to the county compared to the applicant (DOE), the regulator (NRC) and other stakeholders and potential parties such as the State of Nevada and the Nuclear Energy Institute. As part of such delegated authority, staff requires Board direction and support regarding allocation of resources to support the licensing and transportation proceedings, and securing appropriate representation for both of these proceedings which are anticipated to be highly complex and protracted over a number of years. Currently, the congressional Energy and Water Appropriations Act, which allocates funds on an annual basis for the Yucca Mountain Project, is the primary funding source for affected units of government to conduct their respective oversight programs, including participation in the licensing proceedings.

To demonstrate re-affirmation of the Board's continued opposition to the repository and transportation to it, an updated Resolution is included as part of this agenda item. This resolution also designates the month of June 2008 as "Yucca Mountain Awareness Month" in recognition of the public's opposition to the Yucca Mountain Project and significant interest in remaining informed and involved on this issue of critical concern to the community.

APPROVED AS RECOMMENDED

DELEGATED AUTHORITY TO NUCLEAR WASTE DIVISION & DISTRICT ATTORNEY STAFF TO PARTICIPATE IN NUCLEAR REGULATORY COMMISSION & SURFACE TRANSPORTATION BOARD PROCEEDINGS; DIRECTED STAFF TO (1) DEVELOP LICENSING CONTENTIONS; (2) EXAMINE POTENTIAL TRANSPORTATION IMPACTS; (3) CONDUCT PUBLIC OUTREACH ACTIVITIES (TO PROMOTE YUCCA MOUNTAIN AWARENESS MONTH); AND (4) COME BACK WITH RECOMMENDATIONS AS TO INTERVENOR STATUS ISSUE & FUNDING FOR OUTSIDE REPRESENTATION IN PROCEEDINGS

Respectfully submitted,



VIRGINIA VALENTINE, County Manager

RESOLUTION

THAT THE BOARD OF COUNTY COMMISSIONERS AFFIRM THEIR CONTINUED OPPOSITION TO THE LICENSING, CONSTRUCTION, AND OPERATION OF A HIGH-LEVEL NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN, NEVADA, ACTIVELY PARTICIPATE IN LICENSING AND RELATED PROCEEDINGS, AND DESIGNATE THE MONTH OF JUNE 2008 "YUCCA MOUNTAIN AWARENESS MONTH"

WHEREAS, the Nuclear Waste Policy Act of 1982 established a process and time schedule for the establishment of the nation's first geologic repository for the permanent disposal of spent commercial nuclear fuel and high-level nuclear waste; and

WHEREAS, on December 22, 1987, the Congress of the United States amended the Nuclear Waste Policy Act of 1982, identifying Yucca Mountain in Nye County, Nevada, as the sole site to be characterized as a permanent repository for the storage of spent commercial nuclear fuel and high-level nuclear waste and designated Clark County as an "affected unit of local government;" and

WHEREAS, the health, safety, and security of Clark County residents and visitors are of the highest priority, the Clark County Board of Commissioners has been steadfast and diligent in its efforts to assess, prepare for, and monitor impacts to public health, safety and security; and

WHEREAS, the U.S. Department of Energy (DOE) has expressed its intent to construct a 300 mile common-carrier rail line through Nevada to facilitate shipments to the repository; and

WHEREAS, the transportation by rail or by truck of high-level radioactive waste and spent nuclear fuel through Clark County resulting from the "mostly rail" transportation plans described in the DOE's Environmental Impact Statements would potentially pose a significant threat to residents, businesses, and visitors; and

WHEREAS, because of these actions and proposed actions, Clark County Board of Commissioners approved Resolutions on January 8, 1985, April 5, 1988, March 7, 2000, March 5, 2002, and August 3, 2004 opposing the proposed repository; and

WHEREAS, since the 2002 site recommendation by the Secretary of Energy, President George W. Bush, and the Congress singling out Yucca Mountain as the only site to move forward to a licensing proceeding, the DOE has been focused on preparing a license application for submittal to the U.S. Nuclear Regulatory Commission (NRC); and

WHEREAS, the DOE has declared its intent to submit a license application for the construction and operation of the Yucca Mountain repository in June 2008; and

WHEREAS, Clark County intends to actively participate in the upcoming licensing proceeding as evidenced by the certification of its document collection in the NRC's License Support Network as was required by January 17, 2008; and

WHEREAS, the citizens of Clark County have consistently expressed significant opposition to the proposed repository at Yucca Mountain and construction to it for over two decades, and have expressed a desire that Clark County play an active role in the licensing proceedings.

NOW THEREFORE, BE IT RESOLVED, that:

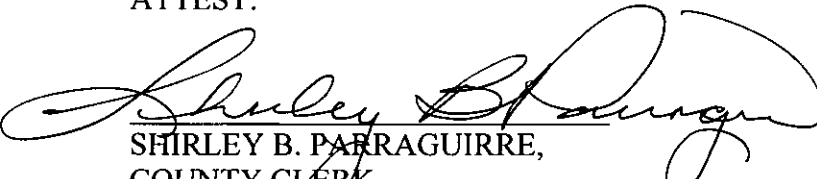
1. The Board of County Commissioners affirms its continued opposition to the licensing, construction, and operation of a high-level nuclear waste repository at Yucca Mountain in Nye County, Nevada; and
2. That the month of June 2008 be declared "Yucca Mountain Awareness Month" to provide the citizens of Clark County opportunities to be informed, be involved, and be heard on this critical issue; and
3. That, if the NRC files a Notice of Intent to Docket the DOE's license application, the Board of County Commissioners intends to submit a petition to become an Intervenor in the upcoming licensing proceeding before the Atomic Safety Licensing Board (NRC); and
4. That the Board of County Commissioners intends to participate as an Intervenor in the U.S. Surface Transportation Board proceedings regarding the proposed Caliente Rail Line.

PASSED, ADOPTED, AND APPROVED THIS 3rd day of June 2008.

CLARK COUNTY, NEVADA

By: 
RORY REID, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:


SHIRLEY B. PARRAGUIRRE,
COUNTY CLERK

BCC 6/3/08
(Public Comm.)
(submitted by
Randi Thompson)

CENTER FOR YUCCA FACTS

RESOLUTION

THAT THE CITIZENS OF NEVADA, DESIRING AN OPEN AND HONEST DISCUSSION OF THE RELATIVE MERITS, RISKS AND REALITIES OF THE PROPOSED NATIONAL NUCLEAR WASTE REPOSITORY PROPOSED TO BE CONSTRUCTED AND MAINTAINED AT YUCCA MOUNTAIN, NEVADA, URGE THE STATE'S ELECTED OFFICIALS TO MOVE TO A NEUTRAL POSITION ON THE PROJECT AND DESIGNATE JUNE 2008 "YUCCA MOUNTAIN APPRECIATION MONTH"

WHEREAS, the citizens of Nevada appreciate the fact that the Nuclear Waste Policy Act of 1982 established a process and time schedule for the establishment of the nation's first geologic repository for the permanent disposal of spent commercial nuclear fuel and high-level nuclear waste; and

WHEREAS, the citizens of Nevada appreciate the fact that on December 22, 1987, the Congress of the United States amended the Nuclear Waste Policy Act of 1982, identifying Yucca Mountain in Nye County, Nevada, as the sole site to be characterized as a permanent repository for the storage of spent commercial nuclear fuel and high-level nuclear waste; and

WHEREAS, the citizens of Nevada appreciate the importance of having "a seat at the table" to assure the highest level of safety and security for residents who might be impacted by the construction and operation of the nuclear waste repository, as well as the transportation of nuclear waste through Nevada en route to the facility, and

WHEREAS, the citizens of Nevada appreciate the fact that since 1983 and through 2006, the state of Nevada, the ten affected "local units of government" and the Nevada University System have already received significant financial benefits, including over \$450 million for oversight, transportation and education efforts associated with the Yucca Mountain Project, and

WHEREAS, the citizens of Nevada appreciate the fact that in 2007 alone, Yucca Mountain injected nearly \$360 million into the Nevada economy through procurements, leases, payments equal to taxes, business taxes, and Bechtel-SAIC Corporation's payroll, and

WHEREAS, the citizens of Nevada appreciate the fact that a 2003 report by the University of Nevada-Las Vegas estimated Yucca Mountain's economic benefits to Nevada will be approximately \$228 million a year (in 2003 dollars) during construction and \$127 million a year during operations, and

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Carson City, NV 89703
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WHEREAS, the citizens of Nevada appreciate the fact that during construction and operation of the repository, direct employment in Nevada, mainly in Nye and Clark Counties, is projected to ramp up to a high point of about 2,700 much-needed, high-paying jobs, and that construction of the Nevada rail line to Yucca Mountain will require a cumulative total of more than 8,000 additional employees throughout the state, and

WHEREAS, the citizens of Nevada fully appreciate the June 23, 1999, legal opinion by Joseph W. Brown of the law firm Jones, Jones, Close and Brown which concludes that current Nevada Revised Statutes does not prevent the state from negotiating with the federal government for possible benefits and safety controls in return for hosting the Nuclear Waste Repository at Yucca Mountain, and

WHEREAS, the citizens of Nevada appreciate the fact that contrary to the opinions of Yucca Mountain opponents, the mere act of constructively engaging in a discussion of the proposed Yucca Mountain project to explore the possibility of receiving certain benefits and safety controls in return for hosting the Nuclear Waste Repository does not "imply consent" to accept the facility.

NOW THEREFORE, BE IT RESOLVED, that:

- 1.) **WE** the citizens of Nevada affirm the continued opposition to the licensing, construction, and operation of a high-level nuclear waste repository at Yucca Mountain in Nye County, Nevada; however
- 2.) **WE** call on Nevada's elected officials and the Nevada Agency for Nuclear Projects to immediately begin a discussion process of constructive engagement to assure that the citizens of Nevada are properly and sufficiently compensated in the event that Yucca Mountain is ultimately approved and licensed for operation, as well secure sufficient safety controls to afford the greatest level of security for the people of Nevada; and
- 3.) **WE** urge Nevada's elected officials preserve options to negotiate for benefits/impact mitigation which reflect the input of Nevadans as opposed to Nevadans having to accept what is decided by others elsewhere; others who have little or no stake in the outcome, and
- 4.) **WE** declare that if Nevada's elected officials refuse to take a more neutral position on Yucca Mountain and become constructively engaged in discussions to secure benefits and safety controls in exchange for hosting the facility, a petition to amend current NRS to require the state to do so will be considered; and in appreciation of all of the above
- 5.) **WE** designate the month of June 2008 as "Yucca Mountain Appreciation Month" to provide citizens with opportunities to hear, without censorship or fear of reprisal, all sides of the debate over Yucca Mountain.